

Exhibit 311



Deposition of:
CONF Deborah Haas-Wilson , Ph.D.

January 10, 2021

In the Matter of:
**Blue Cross Blue Shield Antitrust
Litigation/in Re**

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1 is historical or recent. It all impacts where I
2 end up in terms of my opinions. It is usually
3 good -- a good idea to consider all available
4 evidence.

5 Q. So with respect to this at least one
6 entrant that would enter Alabama, when would they
7 enter?

8 MR. SHEEHAN: Objection to form.

9 Q. (BY MR. BERNICK:) Or when would they
10 have entered? Let me put it that way.

11 MR. SHEEHAN: Same objection.

12 A. They would have entered a long time
13 ago. Had the exclusive service areas not been in
14 effect, had the market allocation agreements on
15 selling not been in effect, there would be other
16 Blues selling healthcare financing services in
17 Alabama way back.

18 Had there been no market allocation
19 agreements on contracting, then there would be
20 other Blues contracting with providers in Alabama
21 from way back. So that by the time we got to the
22 class period, they would be well-established Blue
23 competitors --

24 Q. (BY MR. BERNICK:) You anticipated --

25 A. -- in Alabama.

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1 Q. You anticipated my last --

2 A. Let me just turn that off.

3 Q. You anticipated my next question. So
4 the entry that you are talking about would have
5 been before the class period, right?

6 A. Historical, yes.

7 Q. And it would have been before 2005?

8 A. Most likely, yes.

9 Q. And I think in your report you even
10 stated it would have been decades ago; is that
11 fair?

12 A. I think I remember using the word
13 "decades," yes.

14 Q. Do you know how many decades ago it
15 would have been?

16 A. I certainly thought about it. I
17 don't remember back when I was writing the April
18 report how many decades I was thinking about at the
19 time. But certainly multiple decades.

20 Q. Would it have been before 1972?

21 A. Quite possible and quite not. I mean
22 it could have been happening before '72 and after
23 '72. I don't know what is special about '72.

24 Q. Well, let me tell you one thing that
25 is special about 1972. Have you -- have you

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1 reviewed the license agreements in this case?

2 A. I have looked at the license
3 agreements, yes.

4 Q. So the license agreements in this
5 case both on the Blue Cross and Blue Shield side
6 say, and I quote, "The rights hereby granted are
7 exclusive to the plan within the geographical areas
8 served by the plan on June 30th, 1972, and/or to
9 which the plan has been granted a subsequent
10 license except to the extent the service area may
11 overlap with the areas served by one or more other
12 licensed Blue Cross plans as of the said date."

13 So, you know, no entry prior to 1972
14 would have been prohibited by the license
15 agreement, right?

16 MR. SHEEHAN: Objection to form.

17 A. From conversations that I have had
18 with Professor Frech, I am under the impression --
19 I mean he is the expert on history. But I was
20 under the impression that those exclusive service
21 areas were in effect way back in the 1930s and '40s
22 and '50s --

23 Q. (BY MR. BERNICK:) So you are --

24 A. -- that it predated '72, the
25 exclusive service areas.